

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

**AMERISOURCEBERGEN DRUG  
CORPORATION**

**v.**

**PRIMROSE PHARMACY, LLC.,  
ET AL.**

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**CIVIL ACTION NO. 16-6106**

**ORDER**

This 23<sup>rd</sup> day of December, 2019 it is hereby **ORDERED** as follows:

- 1) The Report and Recommendation of the Special Master (ECF 88) is **APPROVED** and **ADOPTED**.
- 2) Defendants' Motion to Compel Adequate Responses (ECF 71) is **DENIED** as moot by virtue of the Recommendation of the Special Master.
- 3) Any other informal motion with respect to discovery submitted by way of correspondence to the court or submitted to the Special Master is **DENIED** as moot by virtue of the Recommendation of the Special Master.
- 4) Defendants' Motion for Leave to File an Amended Answer with Counterclaim (ECF 65) is **DENIED**. Defendants failed to show good cause for their delay in asserting counterclaims until some two years into this litigation, and the Report and Recommendation of the Special Master did not establish that such delay was the result of failure of Plaintiff to comply with discovery obligations.
- 5) The Motion to Withdraw as Legal Counsel for Defendants (ECF 89) is **GRANTED**. This matter is stayed for sixty days.

/s/ Gerald Austin McHugh  
United States District Judge

